UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,863	09/19/2001	Marian Valerie Underwood	GE-07053	9918

28581	7590	11/30/2004

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EXAMINER
TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 September 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 2</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-2</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 9/21/2004 has been entered.

Response to Arguments

2.   Applicant's arguments filed 9/21/2004 have been fully considered but they are not

persuasive.

Claims 1-2 remain rejected under 35 U.S.C. 102(b).

Following is the examiner's response to Applicant's arguments with respect to claim 1.

Applicant's argument:

In order to make this distinction more clear, claim 1 and 2 are amended to recite the

context of the invention as being a "command and control system" which includes positive

recitations of "sensors" for the generation of data relating to the recited "targets. (E.g. see RE

page 4, last paragraph)

Examiner's response:

1.   Since Claim 1 is a method claim, limitations in the preamble such as "command

and control system including a track management system and sensors" are not given patentable

weights because the body of claim can be read independently from the amended preamble.

Applicant should incorporated the limitations in the preamble into the body of the claim.

2.   The limitation "generating **data representing target information from at least**

said sensors" is considered to be non-functional descriptive material. This data is non-

functional descriptive material and considered to be irrelevant because this data does not

specifically modify any of the steps recited in claim 1. If the data representing target information

from at least said sensors" is replaced with another types of data, the method steps recited in

claim 1 and disclosed by Charisius et al. will be carried out in a same manner.

Specification

3.   The abstract of the disclosure is objected to because "Java" is a trademark. Correction is

required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Java is a trademark.

Appropriate correction is required.

Claim 1-2 objected to because of the following informalities: Java is a trademark.

Appropriate correction is required.

The examiner suggest using language such as "bytecode programming language",

"Java^{TM}" or "JAVA" to replace "Jave".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Charisius et al. US

Pub. No. 2002/0104071A1 (hereinafter Charisius).

As Per Claim 1, Charisius discloses a method and system software development tool 610

compiles, deploys, and debugs the distributed computing component with a client software

component 2004. (See Abstract & FIG 20 and associated text). In that Charisius discloses the

method that covering the steps of:

"providing a COTS application server capable of receiving data in a Java Two Enterprise

Edition (J2EE) compliant protocol;" (E.g., see FIG. 20 item 2006 "EJB Application Server").

"generating data representing target information from at least said sensors, and

communicating said data to said COTS application server in the form of a Java Two Enterprise

Edition (J2EE) compliant protocol;" (E.g., see FIG. 20 Client Application 2004, EJB container

2018, EJB 2002; Page 13 Section 0156 to Page 14 Section 0158). From Fig 20, the EJB

Application Server 2006 is a target application server which provides service to its targets. Also

Client Application 2004 is a client which also can be treated as a target (from the target

application server's point of view) that talks / communicates with its server (target application

server) in a form of a Java Two Enterprise Edition (J2EE) compliant protocol.

"providing a plurality of computer processing arrangements, each of which is capable of processing Java;" (E.g., see FIG. 20 item 2004, item 2006; FIG 21; Page 3 Section 0036 and Page 13 Section 0155).

"in said application server, processing said J2EE compliant data with a plurality of Enterprise Java Beans software components, establishing those of said computer processing arrangements in which said data is processed;" (E.g., see FIG. 21 and Page 3 Section 0036, Page 13 Section 0155).

"providing said J2EE compliant data to the selected ones of said computer processing arrangements, for thereby generating processed data; (E.g., see FIG. 21 and Page 3 Section 0036, Page 14 Section 0163). and

"providing said processed data to a user." (E.g., see FIG. 20 EJB Object Stub (browser) 2012).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charisius et al. US

Pub. No. 2002/0104071A1 (hereinafter Charisius) in view of Skufca et al. US Pub. No.

2003/0065827A1 (hereinafter Skufca).

As Per Claim 2, Charisius discloses the method that covering the steps of:

"providing a COTS application server capable of receiving data in a Java Two Enterprise

Edition (J2EE) compliant protocol;" (E.g., see FIG. 20 item 2006 "EJB Application Server").

"generating data representing target information from at least said sensors, and

communicating said data to said COTS application server in the form of a Java Two Enterprise

Edition (J2EE) compliant protocol;" (E.g., see FIG. 20 Client Application 2004, EJB container

2018, EJB 2002; Page 13 Section 0156 to Page 14 Section 0158).

"providing a plurality of computer processing arrangements, each of which is capable of

processing Java;" (E.g., see FIG. 20 item 2004,item 2006; FIG 21; Page 3 Section 0036 and

Page 13 Section 0155).

"in said application server, processing said J2EE compliant data with a plurality of

Enterprise Java Beans software components, establishing those of said computer processing

arrangements in which said data is processed;" (E.g., see FIG. 21 and Page 3 Section 0036, Page 13 Section 0155).

"providing said J2EE compliant data to the selected ones of said computer processing arrangements, for thereby generating processed data; (E.g., see FIG. 21 and Page 3 Section 0036, Page 14 Section 0163). and

"providing said processed data to a user." (E.g., see FIG. 20 EJB Object Stub (browser) 2012).

Charisius doesn't explicitly disclose his J2EE compliant data with "a Corba software component arrangement". However, Skufca provides a mean for wrapping to multiple data source fields that include CORBA component, "a Corba software component arrangement" (E.g., Page 4 Section 0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate the teaching of Skufca with the method of Charisius, to use a Corba software component arrangement. The modification would have been obvious because one of ordinary skill in the art would have been motivated to do so that it would enhance the Charisius teachings and/or system with a more versatile tool for covering all of the component based.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is (571) 272-3705. The examiner can normally be reached on 8:30AM - 7:00PM (Monday – Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kuo-Liang J. Tang

Software Engineer Patent Examiner

CHAMELI C. DAS
PRIMA~~~~~ ~~~~~INER

11/26/09